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February 6, 2006

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

Re: KMC Data LLC and KMC Telecom V LLC
Certification of CPNI Filing (2-6-06)
EB Docket No. 06-36
EB-06-TC-060

Dear Ms. Dortch:

Pursuant to the Public Notice issued by the Enforcement Bureau on January 30, 2006¹ and the Commission rules concerning the protection of the privacy of customer proprietary network information ("CPNI") by telecommunications carriers,² KMC Data LLC ("KMC Data") and KMC Telecom V LLC ("KMC-V") (KMC Data and KMC-V, together the "Company") submit this Compliance Statement and Certificate. The Company is currently a wholesale carrier's carrier; KMC Data has never served any end users directly and KMC-V has discontinued its end user services. It therefore has no knowledge of end user CPNI except insofar as it has call completion information that it uses to bill its carrier customers – it does not have any CPNI information that would allow it to know the identity or any other personally identifiable information about the end users whose calls it carries for other carriers. Nevertheless, protecting even this limited end user CPNI, and the proprietary information of its carrier customers, is an important obligation for all telecommunications carriers and the Company has adopted various operational procedures to assure that, consistent with the Commission's rules, all of the CPNI that it holds is protected from unauthorized and illegal use, access and disclosure.

I am an officer of the Company and based upon my personal knowledge I certify that the following statement describes the operational procedures and policies implemented by the Company to ensure the privacy of its customers' CPNI consistent with Commission's CPNI rules.

The Company is a competitive telecommunications carrier that has provided services nationwide. Recently, the Company has discontinued most of the local and interexchange

¹ *Enforcement Bureau Directs All Telecommunications Carriers to Submit CPNI Compliance Certifications*, WC Docket No. 05-196, Public Notice, DA 06-223 (rel. Jan. 30, 2006) ("Public Notice").

² 47 C.F.R. § 64.2001, *et seq.*.

services that it previously offered to end user and other customers.³ Currently, the Company's focus is to provide services to carriers that are designed to broaden and enhance their ability to interconnect their respective networks and allow them to exchange traffic with one another more effectively and efficiently. Specifically, the Company's operations are now focused on the provision of tandem switching and transport services to wireless carriers, interexchange carriers, competitive local exchange carriers, and incumbent local exchange carriers.

Consistent with the CPNI rules, the Company uses CPNI (1) to bill and collect for services rendered; (2) to protect rights or property of the Company, other users or other carriers from unlawful use; and (3) for the purpose of network maintenance.

The Company does not use, disclose or permit access to CPNI for marketing purposes other than for the purpose of providing service offerings for type of services to which the carrier customer already subscribes. It is therefore not required to seek approval from existing customers to use their CPNI and therefore does not maintain a record of a customer's approval to use CPNI. In the event the Company changes its marketing practices or expands its service offerings so that customer approval is required, it will implement a system by which customers will be notified of such use and the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.

Furthermore, the Company does not share, sell, lease and otherwise provide CPNI to any of its affiliates, suppliers, vendors and any other third parties for the purposes of marketing any services. Sharing, selling, leasing or otherwise providing CPNI to any unrelated third parties is strictly prohibited by the Company and the Company has no existing plans to share this information with unrelated third parties.

All Company employees are required to abide by the Company's Code of Conduct, which requires employees to maintain the confidentiality of all information, including CPNI, that is obtained as result of their employment by the Company. Employees who violate the Company's Code of Conduct will be subject to discipline, including possible termination. Although the Company has never received any complaint from a customer that it has misused CPNI in any fashion, in an abundance of caution and in light of the recent reports about other carriers that have released sensitive, personal subscriber information to third parties, the Company is currently auditing all of its training and discipline policies and procedures relating to the use of CPNI by Company employees. In the event the Company determines that Company employees require more training in order to protect CPNI, the Company will update its training processes and other procedures as necessary.

³ The services previously offered by the Company included enhanced origination and termination services, dial access services, and PRI services. *See In re Section 63.71 Application of KMC Telecom V, Inc. and KMC Telecom of Virginia, Inc. for Authority to Discontinue Telecommunications Services*, WC Docket No. 05-309, Comp. Pol. File No. 729.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald R. Beaumont". The signature is written in a cursive style with a large, stylized "R" and a long horizontal stroke at the end.

Ronald R. Beaumont

COO

KMC Data LLC and KMC Telecom V LLC

cc: Bryon McKoy via e-mail: byron.mccoy@fcc.gov
Best Copy and Printing via e-mail fcc@bcpiweb.com